

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIM NAY, as Personal Representative of the  
ESTATE OF MARIA GONZALEZ  
TORRES, and ISAI GONZALEZ,

Plaintiffs,

v.

BNSF RAILWAY COMPANY and  
NATIONAL RAILROAD PASSENGER  
CORPORATION, doing business as Amtrak,  
TIMOTHY BURCH, and THOMAS  
MATLOCK,

Defendants.

Case No. 3:19-cv-05425-BHS

**ORDER GRANTING STIPULATED  
MOTION FOR DISMISSAL WITH  
PREJUDICE**

This matter having come before the Court on the parties' stipulation to dismiss all claims with prejudice in the above-captioned case. Having read and considered the stipulated motion, the Court hereby ORDERS that:

1. All claims in the above-captioned case are DISMISSED WITH PREJUDICE.
2. The Court makes no award of costs or attorney's fees to any party.

**IT IS SO ORDERED.**

DATED March 4th, 2025.

By

  
\_\_\_\_\_  
THE HON. BENJAMIN H. SETTLE

1 Presented by:

2 BALLARD SPAHR LLP

3  
4 By: s/Andrew G. Yates

5 Tim D. Wackerbarth, WSBA No. 13673

6 Andrew G. Yates, WSBA No. 34239

7 Katie D. Bass, WSBA No. 51369

8 Matthew A. Stoloff, WSBA 54299

9 1420 Fifth Avenue, Suite 4200

10 P.O. Box 91302

11 Seattle, Washington 98111-9402

12 Telephone: 206.223.7000

13 [wackerbartht@ballardspahr.com](mailto:wackerbartht@ballardspahr.com)

14 [yatesa@ballardspahr.com](mailto:yatesa@ballardspahr.com)

15 [bassk@ballardspahr.com](mailto:bassk@ballardspahr.com)

16 [stoloffm@ballardspahr.com](mailto:stoloffm@ballardspahr.com)

17 *Attorneys for Defendants BNSF Railway Company,*

18 *National Railroad Passenger Corporation,*

19 *Timothy Burch and Thomas Matlock*

20 D'AMORE LAW GROUP, P.C.

21  
22 By: s/Thomas D'Amore

23 Thomas D. D'Amore, WSBA No. 22772

24 Benjamin Turner, WSBA No. 56427

25 4230 Galewood Street, Suite 200

26 Lake Oswego, OR 97035-2496

27 [tom@damorelaw.com](mailto:tom@damorelaw.com)

[ben@damorelaw.com](mailto:ben@damorelaw.com)

*Attorneys for Tim Nay, as Personal Representative of the Estate of Maria Gonzalez Torres*

RANDY OETKEN, P.C.

By: s/Randy Oetken

Randy Oetken, WSBA No. 32411

Lake Professional Building

2647 SE Lake Road

Milwaukie, OR 97222

Email: [randy@oetkenlaw.com](mailto:randy@oetkenlaw.com)

*Attorney for Isai Gonzalez*

1 BOYD KENTER THOMAS & PARRISH

2 Mark Parrish, *pro hac vice*  
3 Josh Sanders, *pro hac vice*  
221 W Lexington Ave Ste 200  
4 Independence MO 64051  
[mparrish@bktplaw.com](mailto:mparrish@bktplaw.com)  
5 [jsanders@bktplaw.com](mailto:jsanders@bktplaw.com)

6 *Attorneys for Plaintiffs Tim Nay, as Personal Representative of the Estate of Maria Gonzalez*  
7 *Torres, and Isai Gonzalez*